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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/726,436  | 12/03/2003  | Ajay Garg            | 20002/17848         | 5824             |
| 75343                      7590                      08/06/2008<br>Hancly Flight & Zimmerman, LLC<br>150 S. Wacker Drive<br>Suite 2100<br>Chicago, IL 60606 |             |                      |                     |                  |
| EXAMINER  |             |                      |                     |                  |
| PERUNGAVOOR, VENKATANARAY   |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
| 2132  |             |                      |                     |                  |
| MAIL DATE   |             | DELIVERY MODE        |                     |                  |
| 08/06/2008  |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/726,436

**Applicant(s)**

GARG ET AL.

**Examiner**

Venkat Perungavoor

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4-8, 17, 19-24 and 26-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 7, 8, 17, 19-21, 23, 24, 26-28 and 30-35 is/are rejected.
- 7) ☒ Claim(s) 4, 6, 22 and 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments filed 6/6/2008 have been fully considered but they are not persuasive.

The Applicant makes one argument with regard to the rejection. The Applicant argues that the cited prior art fails to disclose extensible firmware interface(EFI) associated with a platform-level network security protocol.

Doran discloses the protocols associated with EFI see "What is EFI: Services and Protocols"(where the diagram indicates the Protocol Interface communicating with EFI driver).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5, 7-8, 17, 20-21, 23-24, 27-28, 31-35, are rejected under 35 U.S.C. 103(a) as being obvious over US Patent 7051367 to Krishnaswamy et al.(hereinafter Krishnaswamy) in view of Extensible Firmware Interface to Doran.

The applied reference has a common Doran with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Regarding Claim 1, Krishnaswamy discloses the identifying a packet associated with an processor see Col 5 Ln 7-11 & Fig. 3 item 42; identifying the packet with security conditions based on protocols see Col 5 Ln 44-52. But does not explicitly disclose the security protocols associated with an extensible firmware interface(EFI). However, Doran discloses the extensible firmware interface and associated platform-level network security protocol see Slide "What is EFI?: Services and Protocols- **Protocol**". It would be obvious to one having ordinary skill in the art at the time of the invention to include

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the extensible firmware interface and associated platform-level network security protocol in the invention of Krishnaswamy in order to a simplified design as taught in Doran see Slide What is EFI?: Services and Protocols- **Protocol Example**.

Regarding Claim 5, 23, Krishnaswamy discloses the pointers being used in the PSR table to configure the routers see Col 5 Ln 7-11.

Regarding Claim 7, 20, 27, 34, Krishnaswamy discloses the queues being used for packets see Fig. 5 item 82.

Regarding Claim 8, 21, 28, 33, Krishnaswamy discloses the deny condition resulting in sleeping(not accepting packets) of the processor see Fig. 5 item 90.

Regarding Claim 17, 31, Krishnaswamy discloses the network interface(Fig. 1 item 60); interrupt handler to receive interrupt request(see Fig. 3 item 48); network driver(Fig. 2 item 22) to identify a packet associated with an processor see Col 5 Ln 7-11 & Fig. 3 item 42, and identifying the packet with security conditions based on protocols see Col 5 Ln 44-52. But does not explicitly disclose the security protocols associated with an extensible firmware interface(EFI). However, Doran discloses the extensible firmware interface and associated platform-level network security protocol see Slide "What is EFI?: Services and Protocols- **Protocol**". It would be obvious to one having ordinary skill in the art at the time of the invention to include the extensible firmware interface and

associated platform-level network security protocol in the invention of Krishnaswamy in order to a simplified design as taught in Doran see Slide What is EFI?: Services and Protocols- **Protocol Example**.

Regarding Claim 24, Krishnaswamy discloses the network interface(Fig. 1 item 60; processor(Fig. 3 item 64) to identify a packet associated with an processor see Col 5 Ln 7-11 & Fig. 3 item 42, and identifying the packet with security conditions based on protocols see Col 5 Ln 44-52. But does not explicitly disclose the security protocols associated with an extensible firmware interface(EFI). However, Doran discloses the extensible firmware interface and associated platform-level network security protocol see Slide "What is EFI?: Services and Protocols- **Protocol**". It would be obvious to one having ordinary skill in the art at the time of the invention to include the extensible firmware interface and associated platform-level network security protocol in the invention of Krishnaswamy in order to a simplified design as taught in Doran see Slide What is EFI?: Services and Protocols- **Protocol Example**.

Regarding Claim 30, 32, Doran discloses the globally unique identifier to execute a security function see Slide "What is EFI? **GUID**".

Regarding Claim 35, Krishnaswamy does not disclose the configuration table IP information see Col 4 Ln 58-63 & Fig. 2 item 29.

Claims 2, 19, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 7051367 to Krishnaswamy et al.(hereinafter Krishnaswamy) in view of US Patent 5748980 to Lipe et al.(hereinafter Lipe).

Regarding Claim 2, 19, 26, Krishnaswamy does not explicitly disclose the pre-boot environment and post boot environment. However, Lipe discloses the pre-boot environment with configuration data see Fig. 4B item 64 and post-boot environment identify the device drivers for buses see Fig. 4B item 70. It would be obvious to one having ordinary skill in the art at the time of the invention to include the pre-boot and post-boot environment in the invention of Krishnaswamy in order to have no conflict in resources as it occurs during boot-time as taught in Lipe see Fig. 4B item 60.

***Allowable Subject Matter***

Claims 4, 6, 22, 29, objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date

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the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkat Perungavoor whose telephone number is (571)272-7213. The examiner can normally be reached on 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. P./



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Examiner, Art Unit 2132

August 1, 2008

/Benjamin E Lanier/

Primary Examiner, Art Unit 2132